

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
3:05-CR-00260-RJC

USA

v.

SUDAMA LEROY GIBBONS

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ORDER

THIS MATTER is before the Court upon motion of an assistant federal public defender, (Doc. No. 44), to reconsider the Court’s denial, (Doc. No. 42: Order), of the defendant’s pro se motions for a sentence reduction under the First Step Act, (Doc. Nos. 38, 39).

The defendant pro se filed a notice of appeal challenging the same decision as the motion to reconsider. (Doc. No. 45 at 1). Accordingly, the Court does not have jurisdiction to entertain the motion to reconsider. See Griggs v. Provident Consumer Disc. Co., 459 U.S. 56, 58, (1982) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.”); Fed. R. App. P. 4(b)(5) (district court retains jurisdiction to correct a sentence under Fed. R. Crim. P. 35(a) in criminal cases).

IT IS, THEREFORE, ORDERED that the motion to reconsider, (Doc. No. 44), is **DENIED** without prejudice.

The Clerk is directed to certify copies of this Order to the defendant, the Federal Public Defender, and the United States Attorney.

Signed: August 6, 2019

A handwritten signature in cursive script, reading "Robert J. Conrad, Jr.", written over a horizontal line.

Robert J. Conrad, Jr.
United States District Judge

